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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,325	12/26/2001	Akira Matsumoto	791_181	3228
25191	7590	01/19/2006	EXAMINER	
BURR & BROWN PO BOX 7068 SYRACUSE, NY 13261-7068			SIMONE, CATHERINE A	
			ART UNIT	PAPER NUMBER
			1772	
DATE MAILED: 01/19/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/036,325

Applicant(s)

MATSUMOTO ET AL.

Examiner

Catherine Simone

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-6 and 20-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-6 and 20-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Withdrawn Rejections

1. The 35 U.S.C. 112, first paragraph, rejection of claims 2-6 and 20-22 of record in the previous Office Action mailed 8/5/05, Page 2, Paragraph #3 has been withdrawn due to the Applicant's amendment filed 11/7/05.

Repeated Rejections

2. The 35 U.S.C. 102 rejection of claims 2-6 and 20-22 as anticipated by Ichiki et al. is repeated for the reasons previously set forth in the Office Action mailed 8/5/05, Pages 3-4, Paragraph #5.

3. The 35 U.S.C. 103 rejection of claims 2-6 and 20-22 over Ichiki et al. is repeated for the reasons previously set forth in the Office Action mailed 8/5/05, Pages 4-5, Paragraph #7.

Response to Arguments

4. Applicant's arguments filed 11/7/05 have been fully considered but they are not persuasive.

Applicant argues, "the adhesive 60 surrounds the polarization-maintaining fibers 42 (as claimed) only during the intermediate step of production, and even then only within the slot 50....In all other sections of the fiber array, the adhesive does not surround the polarization-maintaining fibers 42. This is due to contact between adjacent fibers, or contact between the fibers and the lower substrate 22 or the upper substrate 24". Applicant further argues, "the only

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portion of the adhesive in Ichiki that corresponds to the claimed ribbon portion is that portion of the adhesive within the slot 50. However, the length of the slot 50 is 0.7 mm, not 2 to 300 mm, as claimed... There is certainly no disclosure or suggestion in Ichiki to increase the length of the slot to a length of 2 to 300 mm, as recited in claim 21. Therefore, Ichiki fails to disclose the use of or motivate one skilled in the art to create a ribbon-portion having a length of 2 to 300 mm surrounding at least some of the polarization-maintaining fibers, as recited in claim 21”.

However, it is to be pointed out that the adhesive 60 in Fig. 3 of Ichiki is clearly shown surrounding the polarization-maintaining fibers 41 and therefore is clearly a ribbon portion. Furthermore, the slot 50 in Fig. 3 of Ichiki has a width (length) of 0.7 mm (see paragraph 0022, line 9) and the adhesive 60 in Fig. 3 is clearly shown to have a larger width (length) than the slot 50. Therefore, adhesive 60 would inherently have a length of 2 to 300 mm, as recited in claim 21. Thus, Ichiki clearly teaches a ribbon portion (adhesive 60) having a length of 2 to 300 mm surrounding at least some of the polarization-maintaining fibers, as recited in claim 21.

Furthermore, due to the fact that adhesive 60 in Fig. 3 of Ichiki is shown to have a larger width (length) than slot 50 and slot 50 in Fig. 3 of Ichiki is disclosed as having a width (length) of 0.7 mm, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have modified the ribbon portion (adhesive 60) in Ichiki to have a length of 2 to 300 mm, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art in absence of showing unexpected results. *MPEP 2144.05 (II)*. One skilled in the art would clearly be able to modify the ribbon portion (adhesive 60) in Ichiki to have a length of 2 to 300 mm, if so desired.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Catherine Simone whose telephone number is (571)272-1501. The examiner can normally be reached on 9:30-6:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Catherine A. Simone
Examiner
Art Unit 1772
January 12, 2006



HAROLD PYON
SUPERVISORY PATENT EXAMINER
1772

1/13/06